

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT BRAY,

Defendant.

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Case No. 8:07CR406

**ORDER**

This case came before the Court on a Petition for Action on Conditions of Pretrial Release (#17). On January 15, 2008 Pretrial Services Officer Todd Beacom submitted a Petition for Action on Conditions of Pretrial Release alleging that Defendant had violated conditions of release as follows:

7. The defendant shall:

(L) Not possess a firearm, destructive device, or other dangerous weapon.

(M) Refrain from any use or possession of alcohol.

(S) Report as soon as possible to the supervising officer any contact with law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.

(V) Not be with, associate with, or communicate with persons known or suspected to be or to have been involved in drug use or trafficking or weapons possession or weapons trafficking without the prior approval of the supervising officer or the Court ( ) except immediate family members; and/or ( ) as required by a treatment regimen.

*On December 31, 2007 law enforcement was conducting a search of a residence in regards to a report of shots being fired. The defendant was at this residence, along with eight other individuals, and located in the residence were several firearms, marijuana, and alcohol [Violations of conditions (7)(L)(M)(V)].*

*The defendant failed to immediately notify Pretrial Services of his police contact. He informed Pretrial Services of this contact on January 9, 2008. [Violation of condition (S)].*

A warrant for Defendant's arrest was issued.

Defendant appeared before the undersigned magistrate on January 22, 2008. Patrick Runge, Assistant Federal Public Defender, represented Defendant. Michael Wellman, Assistant United States Attorney, represented the Government. After being advised of the nature of the allegations, rights, and the consequences if the allegations were found to be true, Defendant denied the allegations. The Court took judicial notice of the Memorandum of Pretrial Services Officer Todd Beacom dated January 18, 2008. The Court finds the allegations set out in the petition are generally true and finds the Defendant violated the conditions of release.

After providing both parties an opportunity for allocution as to disposition and considering the report of Pretrial Services, I find the Order Setting Conditions of Release (#10) should be modified.

**IT IS ORDERED:**

1. The Petition for Action on Conditions of Pretrial Release (#17) is granted; and
2. The November 27, 2007 Order Setting Conditions of Release (#10) is hereby modified to include:

(A) Defendant shall be restricted to his residence every day from 6:00 P.M. to 7:00 A.M., if not at work, or as directed by the Pretrial Services officer or supervising officer, and

(B) Defendant shall not associate with any member, prospect, or associate member of any criminal street gang. If the defendant is found to be in the company of such individuals while wearing the clothing, colors, or insignia of any known criminal street gang, the Court will presume that this association was for the purpose of participating in illegal gang activities.

Dated this 23<sup>rd</sup> day of January 2008.

BY THE COURT:

s/ F. A. Gossett  
United States Magistrate Judge